IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT APPEAL NOs : 44, 50 and 51 of 2002

WRIT APPEAL NO.44 OF 2002

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 10-12-2001 in WP NO : 15459 of 1991 on the file of the High Court.)

Between:

K.Seetharam Reddy, S/o Raji Reddy,

R/o 7-1-401/A/25, S.R.Nagar, Hyderabad, rep. by his

GPA Holder, M.Y.Maharshi, S/o Late Parameswara Rao,

R/o B.K.Guda, Hyderabad.

..... APPELLANT

AND

1. A.P.Housing Board rep. by its Secretary at

Gruhakalpa, Hyderabad.

2. Regional Housing Engineer, A.P.Housing Board,

North Division, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant:MR.K.RAGHUVEER REDDY

Counsel for the Respondents: MR.J.PRABHAKAR, Standing Counsel for Housing Board

WRIT APPEAL NO.50 OF 2002

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 10-12-2001 in WP NO : 7393 of 1991 on the file of the High Court.)

Between:

K.Seetharam Reddy, S/o Raji Reddy,

R/o 7-1-401/A/25, S.R.Nagar, Hyderabad, rep. by GPA Holder, M.Y.Maharshi, S/o Late Parameswara Rao,

R/o B.K.Guda, Hyderabad.

..... APPELLANT

AND

1. Municipal Corporation of Hyderabad, rep. by

the Commissioner, Tank Bund Road, Hyderabad.

2 A.P.Housing Board, rep. by its Secretary, Gruhakalpa,

Hyderabad.

3. Regional Housing Engineer, A.P.Housing Board,

North Division, Hyderabad.

4. Kuyya Satyanrayana.

.....RESPONDENTS

Counsel for the Appellant:MR.K.RAGHUVEER REDDY

Counsel for the Respondent No.1: Smt.G.JYOTHI KIRAN, Standing Counsel for the Municipal Corporation of Hyderabad.

Counsel for the Respondent Nos.2&3: MR.J.PRABHAKAR, Standing Counsel for the Housing Board

Counsel for the Respondent No.4:MR.E.KODANDA RAM.

WRIT APPEAL NO.51 OF 2002

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 10-12-2001 in WP NO : 21139 of 1996 on the file of the High Court.)

Between:

M/s Vamsi Rishi Builders, 7-1-621/289/1/A, Sanjeeva Reddy

Nagar, Hyderabad, rep. by its Managing Partner, M.Y.Maharshi

..... APPELLANT

AND

1. The Special Officer & Municipal Commissioner/Chief

City Planner, Municipal Corporation of Hyderabad

Town Planning Department, Tank Bund Road, Hyderabad.

2. The Vice Chairman and Housing Commissioner, A.P.Housing

Board, Nampally, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant:MR.K.RAGHUVEER REDDY

Counsel for the Respondent No.1: Smt.G.JYOTHI KIRAN, Standing Counsel for the Municipal Corporation of Hyderabad.

Counsel for the Respondent No.2: MR.J.PRABHAKAR, Standing Counsel for the Housing Board

The Court made the following:

COMMON JUDGMENT (Per the Hon'ble Sri Justice Bilal Nazki)

Heard learned counsel for the parties.

These cases are disposed of by a common order with the consent of learned counsel for the parties.

These cases have a long history. Since learned counsel representing the parties have agreed to passing of the order, therefore, we are not going into the merits of the case.

The controversy relates to a piece of land, which is claimed by the writ petitioners as well as the Housing Board. Permission had been granted to the writ petitioners for making constructions over the piece of land. On representations by the Housing Board, permission was withdrawn. However, it appears from the record that the Commissioner of the Municipal Corporation of Hyderabad has not, at any point of time, either before filing the writ petitions or after filing the writ petitions, taken into consideration the material available with the parties to come to the conclusion whether there was a genuine dispute of title or not between the parties and whether the petitioners were entitled to get permission for construction.

In view of this, the parties agree that the matter be left to the Commissioner who will pass appropriate orders after giving an opportunity of being heard to the parties. This exercise shall be done by the Commissioner within a period of three months.

The writ appeals are accordingly disposed of. No order as to costs.

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(BILAL NAZKI, J)

31st January, 2005.

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(V.V.S.RAO,J)

vrn

To

1. The Commissioner, Municipal Corporation of Hyderabad,

Tank Bund Road, Hyderabad.

2 The Secretary, A.P.Housing Board, Gruhakalpa,

Hyderabad.

3. The Vice Chairman and Housing Commissioner, A.P.Housing

Board, Nampally, Hyderabad.

4. The Regional Housing Engineer, A.P.Housing Board,

North Division, Hyderabad.

5. The Special Officer & Municipal Commissioner/Chief

City Planner, Municipal Corporation of Hyderabad

Town Planning Department, Tank Bund Road, Hyderabad.

6. Two C.D copies